

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARMEEN DENISE WASHINGTON,

Plaintiff,

-against-

M.D. LINDSAY OF BELLEVUE HOSPITAL
PSYCHIATRIST,

Defendant.

23-CV-5888 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff is proceeding in this matter *pro se* and *in forma pauperis* (“IFP”). By order dated July 31, 2023, the Court directed Plaintiff to file an amended complaint within sixty days. (ECF 5.) That order specified that failure to comply would result in dismissal of the complaint for lack of subject matter jurisdiction. (*Id.*) The Clerk of Court mailed a copy of that order to Plaintiff at her address of record, but it was returned as undeliverable on August 16, 2023.

By order dated October 6, 2023, the Court: (1) granted Plaintiff an additional 30 days to file an amended complaint; and (2) directed Plaintiff to update her address. (ECF 6.) That order reiterated that if Plaintiff failed to update her address and file an amended complaint within 30 days, the matter would be dismissed. (*Id.*) The October 6, 2023 order was returned as undeliverable, however, Plaintiff complied with the portion of the order directing her to update her address. Because Plaintiff failed to file an amended complaint as directed, the action is dismissed for lack of subject matter jurisdiction, for the reasons set forth in the July 31, 2023 order. (ECF 5.)

LITIGATION HISTORY AND WARNING

In 2023, Plaintiff filed 12 *pro se* cases in this court,¹ and she has been warned that if she abuses the privilege of proceeding IFP, she may be ordered to show cause why she should not be barred, under 28 U.S.C. § 1651, from filing new actions IFP in this Court without prior permission. *See Washington v. Tocco*, ECF 1:23-CV-5561, 13 (S.D.N.Y. Oct. 10, 2023). That warning remains in effect.

CONCLUSION

The complaint, filed IFP under 28 U.S.C. § 1915(a)(1), is dismissed for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

¹ In 2023, Plaintiff filed 12 *pro se* complaints *See, e.g., Washington v. Chong*, ECF 1:23-CV-1936, 4 (S.D.N.Y. July 24, 2023) (dismissing complaint against a doctor for lack of subject matter jurisdiction); *Washington v. Tocco*, ECF 1:23-CV-5561, 13 (S.D.N.Y. Oct. 10, 2023) (dismissing complaint against a doctor for lack of subject matter jurisdiction); *Washington v. JP Morgan Chase Bank Inc.*, ECF 1:23-CV-5819, 6 (S.D.N.Y. Oct. 11, 2023) (dismissing action without prejudice for Plaintiff's failure to update her address of record as directed by the court); *Washington v. New York Police Dep't*, ECF 1:23-CV-5820, 6 (S.D.N.Y. Oct. 10, 2023) (dismissing action for failure to state a claim); *Washington v. Abedin*, ECF 1:23-CV-5887, 1 (S.D.N.Y. filed July 7, 2023); *Washington v. Paris Production Berlin*, ECF 1:23-CV-5922, 6 (S.D.N.Y. Aug. 28, 2023) (directing Plaintiff to file amended complaint); *Washington v. Shukler*, ECF 1:23-CV-8030, 4 (S.D.N.Y. Sept 27, 2023) (amended complaint filed, matter pending); *Washington v. Professional Claims Bureau*, ECF 1:23-CV-9592, 1 (S.D.N.Y. filed Oct. 31, 2023); *Washington v. Ortiz*, ECF 1:23-CV-09647, 1 (S.D.N.Y. filed Oct. 31, 2023); *Washington v. Malzberg*, ECF 1:23-CV-09835, 1 (S.D.N.Y. filed Nov. 3, 2023).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: November 20, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge